

**REMARKS**

Claims 13, 14 and 34-36 are all the claims pending in the application.

**I. Formal Matters**

**A. Status of Claims**

Prior to amendment, claims 13, 14 and 34-36 were pending in the application. Claims 13 and 14 are allowed. Claims 34 and 35 are canceled. Claim 36 is objected to for depending from a rejected base claim (claim 34). New claim 37 has been added. Thus, after entry of the amendment, claims 13, 14, 36 and 37 will be pending.

Claim 36 is amended to incorporate the recitation of canceled claim 34.

New claim 37 recites the method of claim 36, wherein cancer metastasis is suppressed, as recited in canceled claim 35.

Accordingly, no new matter is added and entry of the amendment is requested, respectfully.

**B. Claim to Priority**

The Examiner has not acknowledged Applicants' claim to priority or receipt of the certified copies of the two priority documents.

Certified copies of both of the priority documents are in PAIR. Accordingly, the Examiner is requested to acknowledge Applicants' claim to priority and receipt of the certified copies of the two priority documents in the next communication.

## **II. Detailed Action**

### **A. Claim Rejections - 35 USC 102(e)**

Claims 34 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Wood et al. (US Patent No. 6,808,710). According to the Examiner, Wood et al. teach methods of cancer treatment, wherein an immune response against a tumor specific antigen is enhanced by administering an agent that inhibits the inhibitory (i.e. immunosuppressive) activity of PD-1, wherein the agent may be an anti-PD-1 antibody. The Examiner states that Wood et al. do not explicitly state that their method suppresses cancer metastasis; however, the Examiner asserts that one of skill in the art would immediately recognize that a method that treats cancer by inducing an immune response against tumor antigens inherently induces an immune response against metastasizing cells, and therefore suppresses metastasis.

This rejection is overcome by amending non-rejected claim 36 to incorporate the recitation of claim 34.

### **B. Allowable Subject Matter and Objection to Claim 36**

Applicants appreciate the Examiner's indication that claims 13 and 14 are allowable over prior art recorded and that claim 36 is objected to, but would be allowable if placed in independent form.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111  
Application No.: 10/519,925

Attorney Docket No.: Q85588

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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